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February 15, 2024

VIA ECF

Hon. Dale E. Ho  
United States Federal Court  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

*Re: Reynolds v. City of New York, Dkt. No. 23-cv-09792*

Dear Honorable Judge Ho:

I represent the Plaintiff, Mr. Terrance Reynolds in the above matter as counsel at the Law Firm of Geoffrey T. Mott. I have met and conferred with Corporation Counsel, and upon consent request that the herein case be stayed until the Second Circuit Court of Appeals has rendered its decision in the companion case *Reynolds v. City of New York*, Dkt. No. 23-76. Said case was argued in front of the Second Circuit Court of Appeals on October 23, 2023, and as such, we anticipate a stay to be for but a brief period of time.

“In making the decision to grant or deny a motion to stay, courts consider five factors: (1) the private interests of the plaintiffs in proceeding expeditiously with the civil litigation as balanced against the prejudice to the plaintiffs if delayed; (2) the private interests of and burden on the defendants; (3) the interests of the courts; (4) the interests of persons not parties to the civil litigation; and (5) the public interest.” *Travelers Cas. & Sur. Co. of Am. v. DiPizio Const. Co.*, 103 F. Supp. 3d 366, 370 (W.D.N.Y. 2015); citing *Kappel v. Comfort*, 914 F.Supp. 1056, 1058 (S.D.N.Y.1996)

The basis for the request is in the interest of efficiency. If Plaintiff is successful on appeal, any mediation or settlement discussions would necessitate the resolution of both matters, as a global settlement. Said cases both stem from incidents that occurred at Plaintiff’s workplace, New York City Department of Environmental Protection and involve similar parties. As such, any mediation prior to the outcome of the Appeal would be futile. Since we are requesting a short stay,

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until the Second Circuit Court of Appeals renders its decision, neither party will be prejudiced, and said impediment to earnestly engage in the SDNY mediation program will be removed.

As such, we kindly request that Your Honor stay the herein matter until such a time that the Second Circuit Court of Appeals renders its decision in Reynolds v. City of New York, Dkt. No. 23-76.

Thank you for your kind consideration in this matter.

Yours truly,

*Cathryn Harris-Marchesi*

Cathryn Harris-Marchesi, Esq.

cc: E. Arbizo, Esq. VIA ECF